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Kim Adamson and Romeo Aranas*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

VICTORIANO G. LOPEZ,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

Case No. 3:17-cv-00732-RCJ-WGC

**DEFENDANTS' MOTION
FOREXTENSION OF TIME
TO FILE A RESPONSE TO
PLAINTIFF'S MOTION FOR
LEAVE TO AMEND COMPLAINT
(FIRST REQUEST)**

Defendants, Kim Adamson and Romeo Aranas, by and through counsel Aaron D. Ford, Attorney General of the State of Nevada, and Andrea M. Dominguez, Deputy Attorney General, hereby move for an extension of time to file a response to Plaintiff's motion for leave to file a first amended complaint. (ECF No. 79.) This motion is based on the following Memorandum of Points and Authorities and on all papers and pleadings on file.

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MEMORANDUM OF POINTS AND AUTHORITIES

I. FACTUAL ANALYSIS

This is an inmate civil rights action brought pursuant to 42 U.S.C. § 1983. Victoriano G. Lopez is an inmate in the custody of the Nevada Department of Corrections (NDOC), currently housed at Lovelock Correctional Center, (LCC). Lopez alleges violations of the Eighth Amendment of the United States Constitution. (ECF No. 5.)

On October 28, 2020 Lopez filed a First Amended Complaint. (ECF No. 78.) On that same day Lopez filed a Motion for Leave to File a First Amended Complaint. (ECF No. 79.)

As the undersigned for Defendants was only recently assigned this case, Defendants respectfully request an extension of time of thirty days (30) to file a response to Lopez's motion for leave to file a first amended complaint. Counsel requires additional time to familiarize herself with the claims and case. Further, counsel has had an opportunity to briefly review the first amended complaint, and it appears that Lopez is adding additional parties as well as additional claims to the first amended complaint. This includes NDOC who has previously been dismissed as a party in this case with prejudice. Thus, the undersigned needs additional time to make a good faith effort to identify the claims that Lopez may or may not have and respond accordingly.

II. LEGAL STANDARD

Rule 6(b)(1), Federal Rules of Civil Procedure, governs extensions of time and states:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

Good cause exists to extend the time to file a response to Lopez's motion for leave to file a first amended complaint. Defendants' request will not hinder or prejudice Lopez's case but will allow for a thorough opportunity to respond to the additional claims and defendants. The requested extension of time should permit Defendants time to adequately brief the motion and respond accordingly.

1 **III. CONCLUSION**

2 Based on the foregoing, Defendants respectfully request that their motion for an
3 extension of time for a period of thirty days, to **December 10, 2020**, in which to file a
4 response to Lopez's motion for leave to file a first amended complaint be granted.

5 DATED this 10th day of November, 2020.

6 AARON D. FORD
7 Attorney General

8 By: /s/ Andrea M. Dominguez
9 ANDREA M. DOMINGUEZ, Bar No. 15209
Deputy Attorney General

10 *Attorneys for Defendants*

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13 **IT IS SO ORDERED**

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15 DATED: November 12, 2020

16 William J. Cobb

17 UNITED STATES MAGISTRATE JUDGE
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 10th day of November, 2020, I caused to be served, a true and correct copy of the foregoing, **DEFENDANTS' MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO AMEND COMPLAINT (FIRST REQUEST)**, by U.S. District Court CM/ECF Electronic Filing on:

Victoriano Lopez #50311
Care of LCC Law Librarian
Lovelock Correctional Center
1200 Prison Road
Lovelock, NV 89419
lcclawlibrary@doc.nv.gov

/s/ Perla M. Hernandez
An employee of the
Office of the Attorney General